

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN RE: GEOSTELLAR, INC.

BK. NO. 3:18-BK-0045

MARTING P. SHEEHAN, Trustee of the
Bankruptcy Estate of Geostellar, Inc.,

Civil No. 3:19-ap-00024

Plaintiff,

v.

DAVID A. LEVINE, and
INDECO UNION, a Delaware Corporation,

Defendants.

DEFENDANT'S MOTION TO DISMISS AND STRIKE

Pursuant to Federal Rules of Civil Procedure 9 & 12, Defendants David A. Levine and Indeco Union move to (1) dismiss Geostellar's Complaint pursuant to the arbitration clause in the underlying Employment Agreement and/or the forum selection clause in the underlying Assignment of Inventions Agreement; (2) in the alternative, dismiss Geostellar's claims for failure to state a claim upon which relief can be granted; and (3) to the extent the Complaint is not dismissed in its entirety, strike paragraphs 23-25, 29-34, 38-42, 47, and 56 as immaterial. For the reasons described more fully in Defendants' accompanying Memorandum in Support of Motion to Dismiss and Strike, which is incorporated by reference herein, the Court should grant this motion.

Dated: August 23, 2019

Respectfully submitted,

**DAVID A. LEVINE
INDECO UNION**

By Counsel

/s/ Cortland C. Putbrese

Cortland C. Putbrese (WV Bar No. 7780)

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of August 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF filing system, which will automatically notify all registered counsel of record.

/s/ Cortland C. Putbrese

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